

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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CHRISTINA McCLAIN and COREY *

McCLAIN, as parents and natural *

guardians of N.M., a minor, *

Petitioners. *

V. *

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 09-778V

Special Master Christian J. Moran

Filed: January 31, 2013

Attorneys' fees and costs; award in the amount to which respondent has not objected

UNPUBLISHED DECISION ON FEES AND COSTS¹

Diana L. Stadelnikas, Maglio, Christopher & Toale, Sarasota, FL, for Petitioner;
Michael P. Milmoie, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Christina and Corey McClain, as parents and natural guardians of N.M., a minor, filed a stipulation of fact concerning attorneys' fees and costs on January 28, 2013. The Court awards the amount to which respondent does not object.

In their petition, petitioners alleged that the influenza (“flu”), rotavirus, Diphtheria-Tetanus-acellular Pertussis (“DTaP”), hepatitis B, and pneumococcal vaccines, caused N.M. to suffer Guillain-Barré Syndrome (“GBS”). Petitioners received compensation based upon the parties’ stipulation. Decision, filed January 29, 2013. Because petitioners received compensation, they are entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$32,000.00** in attorneys' fees and costs for petitioners' counsel. In compliance with General Order No. 9, petitioners state that they incurred no litigation expenses while pursuing this claim. Respondent does not object to the above-requested amount.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards a check made payable to petitioners and petitioners' attorney in the amount of **\$32,000.00** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.